

# State of South Dakota

## EIGHTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2009

733Q0531

### HOUSE ENGROSSED NO. **SB 126** - 3/5/2009

Introduced by: Senators Knudson, Adelstein, Bradford, Brown, Frysliie, Gant, Gray, Hansen (Tom), Haverly, Howie, Hunhoff (Jean), Jerstad, Merchant, Schmidt, Tieszen, Turbak Berry, and Vehle and Representatives Sly, Hamiel, Killer, Lange, Lucas, McLaughlin, Romkema, Sorenson, Steele, Vanderlinde, and Verchio

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding school attendance.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 13-27-1 be amended to read as follows:

4 13-27-1. ~~Every~~ Any person having control of a child, who is six years old by the first day  
5 of September and who has not exceeded the age of eighteen, shall cause the child to regularly  
6 and annually attend some public or nonpublic school for the entire term during which the public  
7 school in the district in which the person resides, or the school to which the child is assigned  
8 to attend, is in session, until the child reaches the age of eighteen years, unless the child has  
9 graduated or is excused as provided in this chapter. However, the requirements of this section  
10 are met if a child who is at least sixteen years of age enrolls in a general education development  
11 test preparation program that is school-based or for which a school contracts and the child  
12 successfully completes the test or reaches the age of eighteen years.

13 A child is eligible to enroll in a school-based or school-contracted general education



development test preparation program or take the general education development test if the child is sixteen or seventeen years of age, and the child presents written permission from the child's parent or guardian and one of the following:

(1) Verification from a school administrator that the child will not graduate with the child's cohort class because of credit deficiency;

(2) Authorization from a court services officer;

(3) A court order requiring the child to enter the program;

(4) Verification that the child is under the direction of the Department of Corrections;  
or

(5) Verification that the child is enrolled in Job Corps as authorized by Title I-C of the Workforce Investment Act of 1998, as amended to January 1, 2009.

Any child who is sixteen or seventeen years of age and who completes the general education development test preparation program may take the general education development test immediately following release from the school program or when ordered to take the test by a court. Any such child who fails to successfully complete the test shall re-enroll in the school district and may continue the general education development preparation program or other suitable program as determined by the school district.

Any child under age six enrolled in any elementary school or kindergarten program is subject to the compulsory attendance statutes of this state. A waiver of the compulsory attendance requirement for children under the age of seven years of age shall be granted by the school district upon the request of the parents.

Section 2. That section 1 of chapter 80 of the 2006 Session Laws be repealed.

Section 3. That § 13-27-1 be amended to read as follows:

13-27-1. ~~Every~~ Any person having control of a child, who is not younger than five or older

1 than six years old by the first day of September and, or any child who, by the first day of  
2 September, is at least six years old, but who has not exceeded the age of eighteen, shall cause  
3 the child to regularly ~~and annually~~ attend some public or nonpublic school for the entire term  
4 during which the public school in the district in which the person resides, or the school to which  
5 the child is assigned to attend, is in session, until the child reaches the age of eighteen years,  
6 unless the child has graduated or is excused as provided in this chapter. However, the  
7 requirements of this section are met if a child who is at least sixteen years of age enrolls in a  
8 general education development test preparation program that is school-based or for which a  
9 school contracts and the child successfully completes the test or reaches the age of eighteen  
10 years.

11 A child is eligible to enroll in a school-based or school-contracted general education  
12 development test preparation program or take the general education development test if the child  
13 is sixteen or seventeen years of age, and the child presents written permission from the child's  
14 parent or guardian and one of the following:

15 (1) Verification from a school administrator that the child will not graduate with the  
16 child's cohort class because of credit deficiency;

17 (2) Authorization from a court services officer;

18 (3) A court order requiring the child to enter the program;

19 (4) Verification that the child is under the direction of the Department of Corrections;  
20 or

21 (5) Verification that the child is enrolled in Job Corps as authorized by Title I-C of the  
22 Workforce Investment Act of 1998, as amended to January 1, 2009.

23 Any child who is sixteen or seventeen years of age and who completes the general education  
24 development test preparation program may take the general education development test

1 immediately following release from the school program or when ordered to take the test by a  
2 court. Any such child who fails to successfully complete the test shall re-enroll in the school  
3 district and may continue the general education development preparation program or other  
4 suitable program as determined by the school district.

5 ~~Any child under age six enrolled in any elementary school or kindergarten program is~~  
6 ~~subject to the compulsory attendance statutes of this state. A waiver of the compulsory~~  
7 ~~attendance requirement for children under the age of seven years of age shall be granted by the~~  
8 ~~school district upon the request of the parents. All children shall attend kindergarten prior to age~~  
9 ~~seven. Any child who transfers from another state may proceed in a continuous educational~~  
10 ~~program without interruption if the child has not previously attended kindergarten.~~

11 Section 4. The provisions of section 3 of this Act are effective July 1, 2010.

12 Section 5. The Department of Education may promulgate rules pursuant to chapter 1-26 to  
13 establish general education development testing procedures for children who take the test  
14 pursuant to § 13-27-1.